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**Attorneys for Plaintiffs**

**UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF GEORGIA**

KATIUSHKA REBECA ACOSTA-	) Case No. 1:17-md-2800 (lead case)
SMITH, et. al.	) No. 1:18-CV-1467-TWT (Acosta-Smith)
ASHLEY ABRAMSON, et. al.,	) No. 1:18-CV-1466-TWT (Abramson)
	)
Plaintiffs,	)
	)
v.	)
	) <b>PLAINTIFFS' REQUEST TO</b>
EQUIFAX INC.,	) <b>VACATE ORDERS CLOSING THE</b>
and Does 1 through 100	) <b>CASES AND REQUEST FOR</b>
inclusive,	) <b>COURT TO RULE ON MOTION TO</b>
	) <b>REMAND</b>
	) Hearing Date:
	) Department 2108
Defendants.	) Hon. Thomas W. Thrash, Jr.

**TO EACH PARTY AND THEIR ATTORNEY OF RECORD:**

Plaintiffs Katiushka Rebeca Acosta-Smith and 49 other plaintiffs in 1:18-CV-1467-TWT and Ashley Abramson and 49 other plaintiffs in 1:18-CV-1466-TWT hereby move for an order VACATING the orders administratively closing these two cases.

On February 20, 2019, the Court issued an order (Doc. 563) directing

1 the clerk “to ADMINISTRATIVELY CLOSE all the individual civil actions  
2 linked to this MDL action, EXCLUDING City of Chicago (1:18cv1470) and  
3 Commonwealth of Puerto Rico (1:18cv5611) vs. Equifax.” Subsequently, the  
4 Clerk entered the same order into the dockets of the Acosta-Smith case  
5 (Doc. 31 in that case) and Abramson case (Doc. 18 in that case). On  
6 February 21, 2019, Plaintiffs received an ECF notification that their cases  
7 were closed. (See attached notices & orders)  
8

9  
10 It appears these two cases were closed **in error**. Presumably, lead  
11 counsel for the Class Plaintiffs and Defendants failed to bring it to this  
12 Court’s attention that there is a pending motion to remand the Acosta-  
13 Smith and Abramson cases. The motion was filed April 26, 2018. (Doc.  
14 350)  
15

16  
17 Pursuant to prior order of this court, opposition to the motion to  
18 remand and reply papers were to be filed by specified dates. “The Court  
19 will then schedule hearings on remand motions as it deems appropriate.”  
20 (Doc. 409.) Equifax filed its opposition to remand on October 22, 2018.  
21 (Doc. 491) Plaintiffs filed their reply on November 7, 2018. (Doc. 500)  
22  
23

24 The Court has not scheduled any hearing and has not ruled on the  
25 motion to remand. Instead it made a generic order to close individual cases  
26 without excluding the ones with motions to remand pending ruling of the  
27  
28

1 Court. Plaintiffs assume it was not the Court's intention to close the  
2 lawsuits with pending motions to remand to state court without even ruling  
3 on the motions.  
4

5 Therefore, the Court is respectfully requested to vacate the order  
6 closing these two cases and to rule on the pending motions to remand (or  
7 set hearings thereon) in due course. The state court Plaintiffs are eager to  
8 resume litigation in the California Superior Court. If, as they contend, this  
9 Court lacks jurisdiction over their cases, then administratively closing their  
10 cases was improper and places them in indefinite limbo to their great  
11 prejudice.  
12  
13

14 DATED: February 21, 2019

15  
16 Respectfully submitted,

17 By \_\_\_\_/s/ Jeffrey Wilens\_\_\_\_

18 JEFFREY WILENS  
19 Attorney for Plaintiffs  
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**CERTIFICATION OF FONT SIZE**

Pursuant to Local Rule 7.1(D), the undersigned counsel certifies that this document has been prepared with 14-point Georgia font in compliance with the requirements of Local Rule 5.1(C).

DATED: February 21, 2019

Respectfully submitted,

By \_\_\_/s/ Jeffrey Wilens\_\_\_\_\_

JEFFREY WILENS  
Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE; EQUIFAX, INC.,  
CUSTOMER DATA SECURITY  
BREACH LITIGATION

CIVIL ACTION NO.  
1:17md2800-TWT

ORDER

In accordance with Case Management Order No. 2 [doc.87], filed January 10, 2018, the Clerk is DIRECTED to ADMINISTRATIVELY CLOSE all the individual civil actions linked to this MDL action, EXCLUDING City of Chicago (1:18cv1470) and Commonwealth of Puerto Rico (1:18cv5611) vs. Equifax.

SO ORDERED, this 20<sup>th</sup> day February, 2019.

/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE; EQUIFAX, INC.,  
CUSTOMER DATA SECURITY  
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/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
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ATLANTA DIVISION

IN RE; EQUIFAX, INC.,  
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/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
UNITED STATES DISTRICT JUDGE

**Jeffrey Wilens**

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**From:** ganddb\_efile\_notice@gand.uscourts.gov  
**Sent:** Thursday, February 21, 2019 11:45 AM  
**To:** CourtMail@gand.uscourts.gov  
**Subject:** Activity in Case 1:17-md-02800-TWT IN RE: EQUIFAX, INC., Customer Data Security Breach Litigation Order

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U.S. District Court

Northern District of Georgia

**Notice of Electronic Filing**

The following transaction was entered on 2/21/2019 at 2:40 PM EST and filed on 2/20/2019

**Case Name:** IN RE: EQUIFAX, INC., Customer Data Security Breach Litigation

**Case Number:** [1:17-md-02800-TWT](#)

**Filer:**

**Document Number:** [563](#)

**Docket Text:**

**ORDER ADMINISTRATIVELY CLOSING** all the individual civil actions linked to this MDL action, EXCLUDING City of Chicago (1:18cv1470) and Commonwealth of Puerto Rico (1:18cv5611) vs. Equifax. Signed by Judge Thomas W. Thrash, Jr. on 2/20/2019. (Associated Cases: 1:17-md-02800-TWT et al.) (EQACtrk) (sap)

**Case Name:** McGonnigal v. Equifax, Inc.

**Case Number:** [1:17-cv-03422-TWT](#)

**Filer:**

**Document Number:** [25](#)

**Docket Text:**

**ORDER ADMINISTRATIVELY CLOSING** all the individual civil actions linked to this MDL action, EXCLUDING City of Chicago (1:18cv1470) and Commonwealth of Puerto Rico (1:18cv5611) vs. Equifax. Signed by Judge Thomas W. Thrash, Jr. on 2/20/2019. (Associated Cases: 1:17-md-02800-TWT et al.) (EQACtrk) (sap)



Case Name: Agosto et al v. Equifax Information Services, LLC  
Case Number: [1:18-cv-01150-TWT](#)  
Filer:  
Document Number: [20](#)

Docket Text:

**ORDER ADMINISTRATIVELY CLOSING** all the individual civil actions linked to this MDL action, **EXCLUDING** City of Chicago (1:18cv1470) and Commonwealth of Puerto Rico (1:18cv5611) vs. Equifax. Signed by Judge Thomas W. Thrash, Jr. on 2/20/2019. (Associated Cases: 1:17-md-02800-TWT et al.) (EQACtrk) (sap)

Case Name: Ashley Abramson v. Equifax Inc.  
Case Number: [1:18-cv-01466-TWT](#)  
Filer:  
Document Number: [18](#)

Docket Text:

**ORDER ADMINISTRATIVELY CLOSING** all the individual civil actions linked to this MDL action, **EXCLUDING** City of Chicago (1:18cv1470) and Commonwealth of Puerto Rico (1:18cv5611) vs. Equifax. Signed by Judge Thomas W. Thrash, Jr. on 2/20/2019. (Associated Cases: 1:17-md-02800-TWT et al.) (EQACtrk) (sap)

Case Name: Katiushka Rebeca Acosta-Smith et al v. Equifax Inc. et al  
Case Number: [1:18-cv-01467-TWT](#)  
Filer:  
Document Number: [31](#)

Docket Text:

**ORDER ADMINISTRATIVELY CLOSING** all the individual civil actions linked to this MDL action, **EXCLUDING** City of Chicago (1:18cv1470) and Commonwealth of Puerto Rico (1:18cv5611) vs. Equifax. Signed by Judge Thomas W. Thrash, Jr. on 2/20/2019. (Associated Cases: 1:17-md-02800-TWT et al.) (EQACtrk) (sap)

Case Name: City Of Chicago v. Equifax Inc  
Case Number: [1:18-cv-01470-TWT](#)  
Filer:  
Document Number: [44](#)

Docket Text:

**ORDER ADMINISTRATIVELY CLOSING** all the individual civil actions linked to this MDL action, **EXCLUDING** City of Chicago (1:18cv1470) and Commonwealth of Puerto Rico (1:18cv5611) vs. Equifax. Signed by Judge Thomas W. Thrash, Jr. on 2/20/2019. (Associated Cases: 1:17-md-02800-TWT et al.) (EQACtrk) (sap)

Case Name: Ward et al v. Equifax, Inc. et al  
Case Number: [1:18-cv-01471-TWT](#)  
Filer:  
Document Number: [33](#)

**Jeffrey Wilens**

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**From:** ganddb\_efile\_notice@gand.uscourts.gov  
**Sent:** Thursday, February 21, 2019 1:42 PM  
**To:** CourtMail@gand.uscourts.gov  
**Subject:** Activity in Case 1:17-md-02800-TWT IN RE: EQUIFAX, INC., Customer Data Security Breach Litigation Terminated Case

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**U.S. District Court**

**Northern District of Georgia**

**Notice of Electronic Filing**

The following transaction was entered on 2/21/2019 at 4:38 PM EST and filed on 2/20/2019

**Case Name:** IN RE: EQUIFAX, INC., Customer Data Security Breach Litigation

**Case Number:** [1:17-md-02800-TWT](#)

**Filer:**

**WARNING: CASE CLOSED on 02/20/2019**

**Document Number:** No document attached

**Docket Text:**

**Civil Case Terminated. (Associated Cases: 1:17-md-02800-TWT et al.) (EQACtrk) (sap)**

**Case Name:** McGonnigal v. Equifax, Inc.

**Case Number:** [1:17-cv-03422-TWT](#)

**Filer:**

**WARNING: CASE CLOSED on 02/20/2019**

**Document Number:** No document attached

**Docket Text:**

**Civil Case Terminated. (Associated Cases: 1:17-md-02800-TWT et al.) (EQACtrk) (sap)**

**Case Name:** Cary et al v. Equifax, Inc.

**Case Number:** [1:17-cv-03433-TWT](#)

Case Name: Ramirez v. Equifax, Inc. et al  
Case Number: [1:18-cv-01025-TWT](#)  
Filer:  
WARNING: CASE CLOSED on 02/20/2019  
Document Number: No document attached

Docket Text:  
**Civil Case Terminated. (Associated Cases: 1:17-md-02800-TWT et al.) (EQACtrk) (sap)**

Case Name: Cunniff v. Equifax, Inc.  
Case Number: [1:18-cv-01071-TWT](#)  
Filer:  
WARNING: CASE CLOSED on 02/20/2019  
Document Number: No document attached

Docket Text:  
**Civil Case Terminated. (Associated Cases: 1:17-md-02800-TWT et al.) (EQACtrk) (sap)**

Case Name: Agosto et al v. Equifax Information Services, LLC  
Case Number: [1:18-cv-01150-TWT](#)  
Filer:  
WARNING: CASE CLOSED on 02/20/2019  
Document Number: No document attached

Docket Text:  
**Civil Case Terminated. (Associated Cases: 1:17-md-02800-TWT et al.) (EQACtrk) (sap)**

Case Name: Ashley Abramson v. Equifax Inc.  
Case Number: [1:18-cv-01466-TWT](#)  
Filer:  
WARNING: CASE CLOSED on 02/20/2019  
Document Number: No document attached

Docket Text:  
**Civil Case Terminated. (Associated Cases: 1:17-md-02800-TWT et al.) (EQACtrk) (sap)**

Case Name: Katiushka Rebeca Acosta-Smith et al v. Equifax Inc. et al  
Case Number: [1:18-cv-01467-TWT](#)  
Filer:  
WARNING: CASE CLOSED on 02/20/2019  
Document Number: No document attached

Docket Text:  
**Civil Case Terminated. (Associated Cases: 1:17-md-02800-TWT et al.) (EQACtrk) (sap)**

Case Name: Ward et al v. Equifax, Inc. et al  
Case Number: [1:18-cv-01471-TWT](#)  
Filer: